

## **REMARKS**

This paper is presented in response to the Office Action. Claim 29 is amended and no claims are added or cancelled. Thus, claims 1-30 remain pending.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner, and/or the merits of additional or alternative arguments.

### **II. Obviousness Type Double Patenting Rejection**

The Examiner has provisionally rejected claims 1, 21, and 22 under the judicially created doctrine of obviousness-type double patenting in view of claims 1, 12, and 13 of U.S. Patent Application No. 10/629,302 (the "'302 Application"). While Applicant disagrees that the claims of the present application are unpatentable over the claims of the '302 Application, Applicant has submitted herewith a terminal disclaimer relative to the '302 Application. Applicant submits that in view of the aforementioned terminal disclaimer, the rejection of claims 1, 21, and 22 has been overcome and should be withdrawn.

**III. Allowed Subject Matter**

Applicant acknowledges with thanks the indication of the Examiner that claims 25-30 are allowed, and Applicant also wishes to thank the Examiner for the careful review of those claims.

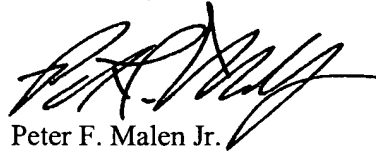
The Examiner has indicated that claims 2-20, 23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, Applicant has submitted herewith a terminal disclaimer to overcome the Examiner's obviousness-type double patenting rejection. As a result, claims 2-20, 23, and 24 no longer depend from rejected base claims and are thus in condition for allowance.

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-30 now pending in this application is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 16<sup>th</sup> day of January, 2006.

Respectfully submitted,



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